

REMARKS

Claims 1-4, 6, 7 and 9-22 remain pending in this application. Claims 9, 21 and 22 are withdrawn. Claims 1-7, 10-20 and 23 are rejected. Claims 5 and 23 are cancelled herein. Claim 8 is previously cancelled. Claims 1, 3, 6 and 13 are amended herein to clarify the invention, broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

The information disclosure statement filed on February 17, 2005 is alleged by the Examiner as failing to comply with 37 CFR 1.98(a)(1). Applicant respectfully submits that the documents filed with the Supplemental Information Disclosure Statement constituted a statement of general relevance of documents formally submitted in an information disclosure statement on September 30, 2004 in the form of the International Preliminary Examination Report-Supplement dated August 30, 2004, and as such did not constitute prior art which is properly included in a listing on a PTO 1449 form.

Claims 1-7, 9-20 and 23 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. Claim 23 is cancelled herein without prejudice, rendering its rejection moot. Independent claim 1 is amended to provide proper antecedent basis for indicated terminology

noted in the Office Action. Therefore, reconsideration of the rejection of claims 1-7 and 9-20 and their allowance are earnestly requested.

Claims 1-3, 7, 10-13, 15, 19-20 and 23 are rejected as obvious over Dudacek (US 6,001,408) in view of Bindzus et al. (Cat. Inist) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Independent claim 1, as amended, clarifies that flour is used as a first component, rather than isolated starch. In stark contrast, both Dudacek (see col. 4, line 66 - col. 5, line 9) and Bindzus et al. (see Abstract) use isolated starch. Since neither reference teaches or suggests the use of flour as a first component, the proffered combination fails to teach all claimed elements as properly required for establishing a *prima facie* case of obviousness. Moreover, applicant respectfully submits that an outcome of a process fed with isolated starch can in no way be compared with the corresponding outcome of another process fed with complete flour.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1-3, 7, 10-13, 15 and 19-20 and their allowance are respectfully requested.

Claims 1, 3-4, 10, 12-14, 16-17 and 20 are rejected as obvious over Protzman et al. (US 3,137,592) in view of Bindzus et al. under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

Like Bindzus, Protzman fails to teach the use of flour, instead being restricted to disclosure relating the starch (see, eg., col. 1, lines 10-17). As such, the proffered combination fails to teach all claimed elements as properly required for establishing a *prima facie* case of obviousness.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1, 3-4, 10, 12-14, 16-17 and 20 and their allowance are respectfully requested.

Claims 5-6 and 18 are rejected as obvious over Dudacek (US 6,001,408) in view of Bindzus et al., and further in view of Neisser et al. (DE 4344139) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

While the Neisser reference is directed to extrusion of complete flour, the reference in no way teaches that the extrusion product is dried by simple air drying. In stark contrast, Neisser explicitly teaches that the extrusion product is dried on conventional drying equipment (see page 2, line 50, “Das so gewonnene Extrudat wird auf herkömmlichen Trocknungsanlagen getrocknet.”) Thus Neisser fails to recognize that the overall efficiency of the process can be significantly enhanced by simple air drying of the extrusion product.

While the Office Action alleges that Dudacek teaches air drying, applicant respectfully submits that, given the teachings of Neisser as discussed above, as relating to a flour component, one of ordinary skill in the art would not be lead to apply such air drying to an extrudate of which complete flour is a starting material, since the Dudacek is applied only to isolated starch, and such substitution lacks the requisite likelihood of success, owing to the different substance characteristics between isolated starch and complete flour.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 5-6 and 18 and their allowance are respectfully requested.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$130 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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